



ILLINOIS COMMERCE COMMISSION

February 28, 2007

Marquis Energy LLC, an Illinois Limited Liability Company,
Petitioner,

Vs.

Illinois Department of Transportation; Norfolk Southern Railway Company;
Putnam County, Illinois; Hennepin Township, Putnam County, Illinois,
Respondents.

T07-0015

Petition for an Order authorizing the construction of a new at grade rail
crossing of ESK Road (875E) in Hennepin Township, Putnam County, Illinois.

Mr. Donald R. Rayfield
Pierson, Maloney & Rayfield
620 South Main Street
Princeton, IL 61356

Dear Mr. Rayfield:

Receipt is acknowledged of the original Petition filed February 27, 2007 in the above matter.

All future correspondence/pleadings should be filed with an original and two (2) copies and addressed to: Mr. Dave Lazarides, Director of Processing, Illinois Commerce Commission, 527 East Capitol Avenue, Springfield, IL 62701 or you may file the original electronically through E-docket if you have an account. To apply for an account, please log on to www.icc.illinois.gov and apply for an E-docket account.

Processing and Information Section

KI

Cc: Staff: Mr. Richard Daniels
Mr. Milton R. Sees, IDOT
Ms. Ellen Schanzle-Haskins, IDOT
Mr. Thomas W. Ambler, NS
Mr. Richard E. Boyle, NS
Mr. Rick Ray, NS
Ms. Nanci K. Scott, NS
Mr. John Urnikis, Hennepin Township
Mr. George P. Meister, Putnam County
Mr. D.L. Marquis, Marquis Energy LLC

ORIGINAL

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

RECEIVED

FEB 27 2007

Illinois Commerce Commission
RAIL SAFETY SECTION

MARQUIS ENERGY LLC, an)
Illinois Limited Liability Company,)

Petitioner,)

vs.)

ILLINOIS DEPARTMENT OF)
TRANSPORTATION; NORFOLK)
SOUTHERN RAILWAY COMPANY;)
PUTNAM COUNTY, ILLINOIS;)
HENNEPIN TOWNSHIP, PUTNAM)
COUNTY, ILLINOIS;)

Respondents.)

Petition for an Order authorizing the)
construction of a new at grade rail)
crossing of ESK Road (875E) in)
Hennepin Township, Putnam)
County, Illinois.)

TOT-0015

PETITION

Now comes the Petitioner, MARQUIS ENERGY LLC, an Illinois Limited Liability Company, and for its Petition for an Order authorizing the construction of a new at grade rail crossing of ESK Road (875E) in Hennepin Township, Putnam County, Illinois, states as follows:

1. Petitioner MARQUIS ENERGY LLC ("MARQUIS") is an Illinois limited Liability Company with its principal place of business at 11953 ESK Road, Hennepin, Illinois 61327.

2. Respondent ILLINOIS DEPARTMENT OF TRANSPORTATION has offices at 2300 South Dirksen Parkway, Springfield, Illinois 62764.

DOCKETED

FEB 27 2007

3. Respondent NORFOLK SOUTHERN RAILWAY COMPANY ("NORFOLK SOUTHERN") is a Virginia corporation and has offices at Three Commercial Plaza, Norfolk, Virginia 23510. NORFOLK SOUTHERN is an interstate rail carrier with rail lines in throughout the eastern half of the United States.

4. Respondent PUTNAM COUNTY, ILLINOIS has offices at 6203 IL Highway 26, Hennepin, Illinois 61327.

5. Respondent HENNEPIN TOWNSHIP, PUTNAM COUNTY, ILLINOIS, has offices at 6235 IL Highway 26, Hennepin, Illinois 61327.

6. Pursuant to the Illinois Commercial Transportation Law (625 ILCS 5/18c-1101 *et seq.*) the Illinois Commerce Commission ("the Commission") must grant permission for the construction by a rail carrier of any track across the grade of any public highway, street or road.

7. ESK Road (875E) is a rural two-lane township road located in Hennepin Township in Putnam County, Illinois. ESK Road (875E) runs in a north-south direction, is approximately 22 feet in width, is paved with bituminous material, and has no lane markings.

8. MARQUIS is in the process of constructing a plant for the production of ethanol in Putnam County, Illinois ("the plant"). The plant is located west of ESK Road (875E).

9. A NORFOLK SOUTHERN rail line runs through Putnam County in a northwesterly direction to the east of ESK Road (875E) ("the NORFOLK SOUTHERN line").

10. The Plant does not have railroad access. MARQUIS needs railroad access to be able to transport ethanol from the plant to its customers.

11. MARQUIS is proposing to construct a single railroad track ("the MARQUIS track") in an east-west direction from the Plant across ESK Road (875E) to the NORFOLK SOUTHERN line as shown on Petitioner's Exhibit "A". The crossing would be located approximately equal distance between the intersection of ESK Road (875E) with Putnam County Highway 1 (1250N) to the north and the intersection of ESK Road (875E) and 1150 N Road to the south.

12. The construction of the MARQUIS track would enable MARQUIS to transport ethanol from the Plant to its customers via the NORFOLK SOUTHERN rail network.

13. The MARQUIS track crossing at ESK Road (875E) would be perpendicular to ESK Road (875E) and would be constructed of concrete with approach grades that conform to Commission specifications. The area surrounding the grade crossing is rural farm and industrial and is relatively flat with no vision obstructions. An existing single-track industrial spur grade crossing is located approximately 400 feet south of the proposed grade crossing. The MARQUIS track grade crossing would be constructed in accordance with the plans and specifications shown on Petitioner's Exhibit "B".

14. MARQUIS would bear the entire cost of constructing and maintaining the MARQUIS track and ESK Road (875E) grade crossing.

15. The average two-way daily traffic count across ESK Road (875E) at the location of the MARQUIS track grade crossing according to the Illinois Department of Transportation is 700, of which 50 percent are trucks. This count will not be increased by plant traffic. The speed limit on ESK Road (875E) at the proposed grade crossing location is 55 miles per hour.

16. MARQUIS expects to transport ethanol from the Plant to its customers either by Illinois River barge or by rail depending upon the relative cost. If rates should favor rail transportation, MARQUIS anticipates that there would be at maximum three train movements per week of 12 to 20 freight cars each between the plant and the NORFOLK SOUTHERN line. However, because the cost of barge transportation has historically been lower than that of rail, MARQUIS anticipates that under most circumstances the actual frequency and size of trains would be substantially less than this maximum.

17. The MARQUIS track has a design speed of five (5) miles per hour and trains would be operated on the track at a speed of not more than five (5) miles per hour.

18. In the interest of public safety, MARQUIS is proposing to install automatic flashing light signals and gates at the proposed crossing. The cost of constructing and maintaining the flashing light signals and gates would be borne solely by MARQUIS and no moneys are being requested from Grade Crossing Protection Fund.

19. The cost of constructing the grade crossing is not presently known. MARQUIS intends to begin construction of the grade crossing immediately after the entry of an Order in this proceeding granting the requested relief, with the grade crossing to be completed as soon as possible thereafter.

WHEREFORE, Petitioner, MARQUIS ENERGY LLC, respectfully requests that the Illinois Commerce Commission conduct a public hearing on this Petition, and after the hearing enter an Order:

A. Authorizing the installation, construction, and maintenance by Petitioner MARQUIS ENERGY LLC, of a railroad grade crossing over ESK Road (875E) in Hennepin Township, Putnam County, Illinois as shown on Petitioner's Exhibit "A".

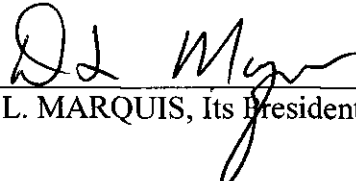
B. Authorizing the installation, construction, and maintenance by Petitioner MARQUIS ENERGY LLC of automatic flashing light signals and gates at the crossing.

C. Directing Petitioner MARQUIS ENERGY LLC to construct the grade crossing in accordance with the plans and specifications contained in Petitioner's Exhibit "B".

D. Directing that the grade crossing and automatic flashing lights and gates at the crossing be installed and maintained at the sole cost of Petitioner MARQUIS ENERGY LLC with no fund to be paid from the Grade Crossing Protection Fund for these improvements.

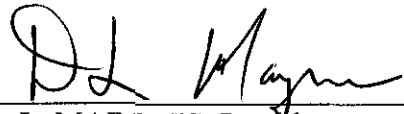
E. Granting such other and further relief as the Commission deems appropriate.

MARQUIS ENERGY LLC

By: 
D. L. MARQUIS, Its President

VERIFICATION

D. L. Marquis, being first duly sworn, on oath does depose and state that he has read the foregoing Petition by him subscribed, and that he has personal knowledge of all of the matters therein stated, and that the same are true in substance and in fact to the best of his knowledge, information and belief.


D. L. MARQUIS, President
MARQUIS ENERGY LLC

Attorney for Petitioner:

Donald R. Rayfield
Pierson, Maloney & Rayfield
620 S. Main Street
Princeton, Illinois 61356
Telephone: 815-875-4474

PROOF OF SERVICE

I, DONALD R. RAYFIELD, on oath state that on behalf of the Petitioner, MARQUIS ENERGY LLC, I served the foregoing Petition by enclosing the same in sealed envelopes addressed to:

Illinois Department of Transportation
2300 S. Dirksen Parkway
Springfield, Illinois 62764

Mr. Thomas W. Ambler
Norfolk Southern Railway Co.
Three Commercial Place
Norfolk, VA 23510-2191

Mr. Milton R. Sees
Director of Highways – IDOT
ATTN: JEFF HARPING, Rm 205
2300 S. Dirksen Pkwy.
Springfield, IL 62764

Ms. Ellen J. Schanzle-Haskins
Chief Counsel – IDOT
2300 S. Dirksen Pkwy. Rm 300
Springfield, IL 62764

Mr. Richard E. Boyle
Gundlach, Lee, Eggmann, Royle &
Roessler
5000 W. Main St., Box 23560
Belleville, IL 62223-0560

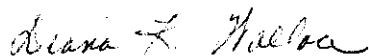
Mr. Rick Ray
Administrator Highway Grade
Crossings
Norfolk Southern Railway Co.
1200 Peachtree St., NE
Atlanta, GA 30309-3579

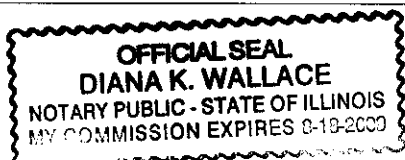
Ms. Nanci K. Scott
Manager, Contract Services
Norfolk Southern Railway Co.
1200 Peachtree St., NE, Suite 1245
Atlanta, GA 30309-3579

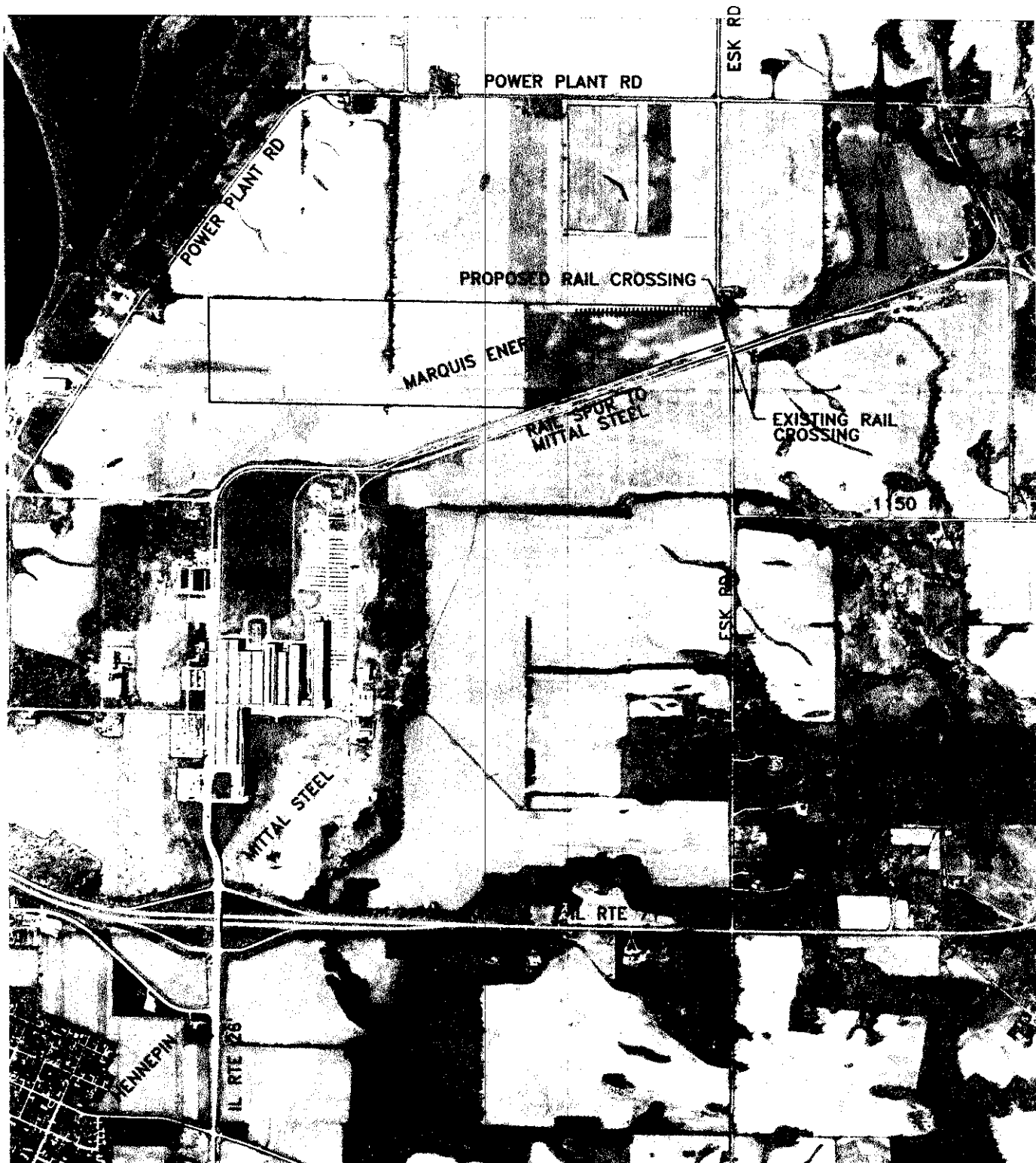
and by depositing the same with postage fully prepaid in a U.S. Post Office Mail Box in Princeton, Illinois, this 26th day of February, 2007.


DONALD R. RAYFIELD

Subscribed and sworn to before me this
26th day of February, 2007.







RAILROAD CROSSING LOCATION MAP



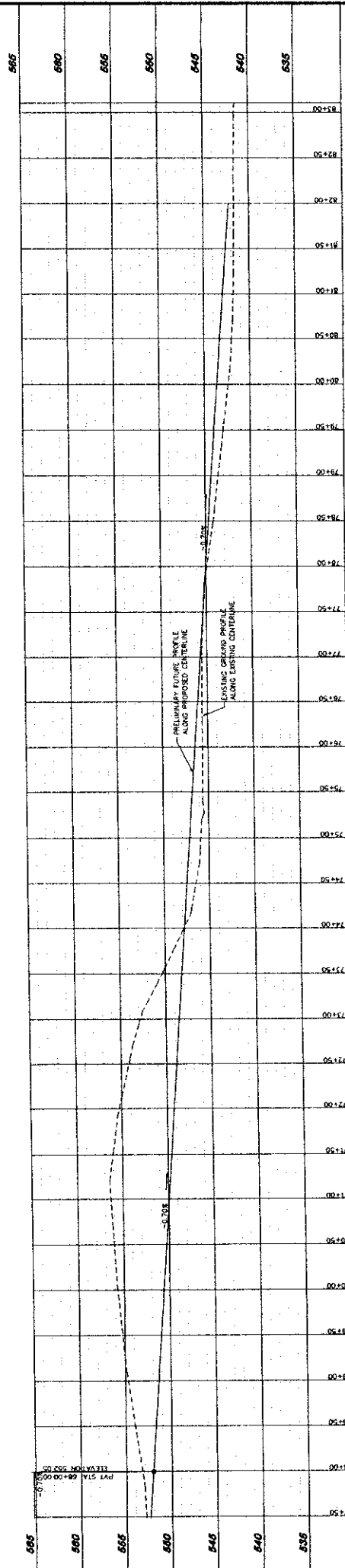
IVSC Illinois Valley Surveying and Consultants, Inc.
Land Surveying - Engineering
401 Court Street Hennepin, Illinois 61327 / P.O. Box 302
Phone: (815) 925-7511 - Fax: (815) 925-7580

EXHIBIT "A"

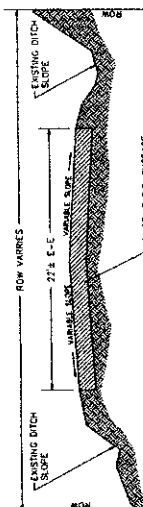
This engineering plan view illustrates the proposed and existing alignments for Esk Road and 875 East Road. The drawing includes the following details:

- Proposed Alignment:** Indicated by a solid line with cross-ticks, showing the proposed centerline and stationing from 79+00 to 87+00.
- Existing Alignment:** Shown as a dashed line with cross-ticks, representing the current road layout.
- Property Lines:** Dashed lines delineate the boundaries of the 'WEST PROPERTY LINE' and 'EAST PROPERTY LINE' for both Esk Road and 875 East Road.
- Stationing:** Station markers are provided along the proposed alignment, including 79+00, 80+00, 81+00, 82+00, 83+00, 84+00, 85+00, 86+00, and 87+00.
- Key Features:**
 - PROPOSED LOCATION OF ETHANOL PLANT:** Located near station 79+00.
 - EXISTING LOCATION OF ETHANOL PLANT:** Located near station 80+00.
 - EXISTING LOCATION OF STEEL PLANT:** Located near station 85+00.
 - PROPOSED CENTERLINE:** Clearly marked along the proposed road alignment.
- Scale and Orientation:**
 - North Arrow:** Points towards the top of the sheet.
 - Horizontal Scale:** 1" = 50'.
 - Vertical Scale:** 1" = 5'.
- Notes:**
 - THE BEGINNING STATION OF ESK ROAD (875 EAST ROAD) IS 1+19 AND IS LOCATED AT THE INTERSECTION OF ESK ROAD (875 E. ROAD) AND ALDINE AVENUE (71).

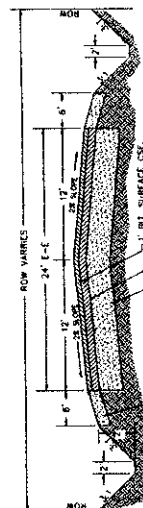
NOTE:
BEGINNING STATION OF ESK ROAD (875 EAST
ROAD) IS 1+19 AND IS LOCATED AT THE
INTERSECTION OF ESK ROAD (875 E ROAD)
AND ILLINOIS ROUTE 71



EXISTING TYPICAL SECTION -- ESK ROAD
N.T.S.



PROPOSED TYPICAL SECTION -- ESK ROAD
N.T.S.

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